

STATE OF INDIANA

FILED

IN THE WAYNE SUPERIOR COURT III

COUNTY OF WAYNE

NOV 05 2003

CAUSE NO. 89D03-0311-CM-1838

STATE OF INDIANA

Debrae Lowe
Clerk, Wayne Superior Court

vs.

William Stout

INFORMATION FOR: BATTERY, I.C.
35-42-2-1(a)(1)(A), CLASS A MISDEMEANOR
(BODILY INJURY)

Clare M Moore, affirms that on or about *Nov 1st*, *2003*,

in Wayne County, State of Indiana, *William Stout*, did then

and there knowingly or intentionally touch *[REDACTED]*

in a rude, insolent or angry manner, to-wit: *picking victim up by neck*
choking against wall - placing in a headlock

resulting in bodily injury to *neck*, to-wit: *pain*
and redness

contrary to Indiana law.

I affirm under the penalties for perjury, as specified in I.C. 35-34-1-2.4, that the foregoing representations are true, this *5th* day of *Nov*, *2003*.

Clare M Moore

David A. Kell

Attorney for State of Indiana, Atty#
17th Judicial Circuit
Suite 100, Courthouse
Richmond, Indiana 47374
(765) 973-9394

STATE OF INDIANA)
)SS:
COUNTY OF WAYNE)

IN THE WAYNE SUPERIOR COURT III

FILED

CAUSE NO. 89D03- 0311- cm- 1838

NOV 05 2003

STATE OF INDIANA)

vs.)

William Staut)

Sueanne Lowe
Clerk, Wayne Superior Court

AFFIDAVIT OF PROBABLE CAUSE
FOR BATTERY

John M Moore, under pains and penalty of perjury states:

[REDACTED] observed: William Staut

knowingly or intentionally touch [REDACTED] in a rude,

insolent or angry manner, namely, picking up by neck - choking
victim - placing him in a head lock.

at 3801 E Main St on November 1st, 2003.

contrary to Indiana law.

I affirm under the penalties for perjury, as specified in I.C. 35-34-1-2.4, that the foregoing representations are true. Attached hereto is a document containing additional facts about this incident. I further affirm under the penalties for perjury, as specified in I.C. 35-34-1-2.4, that those representations are true, this 5th, day of Nov, 2003. (Please attach witness statement or police report).

Further I affirm the battery committed by William Staut was not an act of self defense and was without justification, contrary to Indiana law.

John M Moore

John M. Kl

Attorney for State of Indiana, Atty #
17th Judicial Circuit
Suite 100, Courthouse
Richmond, Indiana 47374
(765) 973-9394

RICHMOND POLICE DEPARTMENT

Incident Narrative Report

ON NOVEMBER 1ST 2003 OFFICERS MOORE AND CHILCOATE WERE DISPATCHED TO RICHMOND SQUARE MALL IN REFERENCE TO A BATTERY THAT HAD OCCURRED WHERE THE SUBJECT WAS BEING RESTRAINED. UPON OFFICERS ARRIVAL WE FOUND A LARGE GROUP OF PEOPLE STANDING OUTSIDE OF GARFIELDS RESTAURANT WITH TWO EMPLOYEES OF MALL SECURITY. OFFICERS OBSERVED NO ONE BEING RESTRAINED AT THE TIME OF ARRIVAL. OFFICERS STOOD THERE FOR SOMETIME BEFORE ANYONE SPOKE. FINALLY A BLK FEMALE LATER IDENTIFIED AS DEBRA STOUT BEGAN TO SPEAK. MS STOUT STATED THEY HAD TAKEN A CHILD IN AFTER HIS FAMILY ABANDONED HIM. THEY (HER FAMILY) HAD COME TO THE MALL TO SHOP TODAY AND THIS CHILD HAD BEEN DISRESPECTFUL TO HER HUSBAND. MS STOUT STATED THE CHILD BECAME OUT OF CONTROL AND HAD TO BE RESTRAINED. THE CHILD CAME THEN FROM AN UNKNOWN LOCATION WITH A GROUP OF OTHER MALE SUBJECTS. THEY ADVISED HIM TO TELL OFFICERS WHAT HAPPENED. THE CHILD IDENTIFIED TO BE C [REDACTED] C [REDACTED] STATED HE AND HIS FAMILY HAD BEEN INSIDE A STORE AT THE MALL. WHEN HIS ADOPTIVE FATHER, LATER IDENTIFIED AS WILLIAM STOUT, PICKED UP A SHOE PRODUCT AND BEGAN COMBING HIS HAIR WITH THE BRUSH THAT WAS AT THE END OF THE CAN. C [REDACTED] STATED HE TOLD "BILL" THAT IT WAS WRONG FOR HIM TO DO THAT AND HE SHOULD PAY FOR IT. C [REDACTED] ADVISED OFFICERS WILLIAM WAS UPSET BY THIS AND AFTER C [REDACTED] CONTINUED TO TELL HIM HE SHOULD BUY IT, BILL TOLD HIM TO LEAVE THE STORE AND GO OUTSIDE. C [REDACTED] DID THIS AS DIRECTED BUT CONTINUED TO TELL BILL THAT HE SHOULD BUY THE CAN OF CLEANER SINCE HE HAD PLACED IT IN HIS HAIR. ONCE OUTSIDE THE STORE C [REDACTED] ADVISED BILL WENT TO GRAB HIS ARM AND HE PULLED AWAY FROM HIM. ACCORDING TO C [REDACTED] THIS MADE BILL ANGRY SO HE GRABBED C [REDACTED] BY THE NECK AND PUSHED HIM AGAINST THE WALL AND HELD HIM THERE. C [REDACTED] STATED HE MOVED AROUND ENOUGH AND FINALLY BROKE FREE BUT BILL GRABBED HIM AGAIN AND PUT HIM IN A HEAD LOCK AND HELD HIM THERE UNTIL RIGHT BEFORE OFFICERS ARRIVED ON SCENE. C [REDACTED] STATED HE FOUGHT TO GET AWAY FROM HIM SINCE HE WAS HURTING HIM. OFFICERS SPOKE WITH AN EMPLOYEE OF GARFIELDS WHO WITNESSED THE INCIDENT. CAIN ADVISED HE OBSERVED THE WHITE MALE PLACE HIS HAND ON THE BLACK MALES THROAT AND THROW HIM UP AGAINST THE WALL AND HOLD HIM THERE. HE STATED THE BOY LOOKED AS IF HE COULDN'T BREATHE AND WAS FIGHTING TO GET AWAY FROM THE ADULT. HE ADVISED THE BOY THEN BROKE FREE AT WHICH POINT THE ADULT MALE GRABBED THE BOY BY THE HEAD AND PUT HIM IN WHAT HE DESCRIBED AS A HEAD LOCK. THIS BEING HE WRAPPED HIS ARM AROUND THE BOYS NECK AND HELD HIM THERE. CAIN ADVISED ANOTHER FEMALE WAS STANDING THERE PLEADING WITH THE ADULT MALE TO LET GO OF THE CHILD THAT HE COULDN'T BREATHE. BUT THE SUBJECT WOULD NOT LET HIM GO. CAIN ADVISED OFFICERS ARRIVED ONLY AFTER THE MALE SUBJECT HAD LET THE BOY GO.

ANOTHER WITNESS INSIDE GARFIELDS CHRIS FALLON ADVISED HE OVERHEARD SOMEONE SAY THERE WAS A FIGHT GOING ON OUTSIDE, WHEN HE LOOKED OUT HE OBSERVED A GROWN MAN RESTRAINING A YOUNGER MALE SUBJECT AND IT APPEARED TO HE THAT THE YOUNGER MALE COULD NOT GET AWAY FROM THE ADULT. HE OVERHEARD SOMEONE SAY THERE HAD BEEN PUNCHES BUT DID NOT WITNESS THIS

RICHMOND POLICE DEPARTMENT
Incident Narrative Report

ACTION.

OTHER WITNESSES INSIDE THE SHOE STORE ADVISED THEY ONLY OBSERVED THE VERBAL ARGUMENT BETWEEN THE TWO SUBJECTS. BOTH AMANDA ROBERTS AND CHRISTINE NOLDEN ADVISED THE BOY HAD TOLD THE ADULT HE SHOULD PAY FOR THE SHOE CLEANER SINCE HE HAD RAN IT THRU HIS HAIR, THEY ADVISED THE ADULT HAD SAID SOMETHING TO THE BOY AND THE BOY LEFT THE STORE WITH THE ADULT FOLLOWING HIM. THEY ADVISED THE BOY HAD NOT BEEN DISRESPECTFUL TO HIM, AND ACTUALLY HAD BEEN VERY NICE AND QUIET WHILE SPEAKING WITH THE ADULT MALE. CHRISTINE ADVISED THEY DID NOT OBSERVE ANY OTHER INCIDENT.

OFFICER MOORE SPOKE WITH MR STOUT ABOUT THE INCIDENT UPON ARRIVAL. HE ADVISED C [REDACTED] HAD BEEN DISRESPECTFUL INSIDE THE MALL AND THEN WALKED AWAY FROM HIM. MR STOUT ADVISED HE RESTRAINED C [REDACTED] TO KEEP FROM LEAVING. WHEN ASKED TO DESCRIBE RESTRAINED, MR STOUT ADVISED HE HELD HIS ARMS. WHEN ASKED IF HE HELD HIM UP AGAINST THE WALL, HE ADVISED HE DIDN'T REMEMBER DOING THIS. MR STOUT ADVISED OFFICER MOORE THAT HE HAD THE RIGHT TO RESTRAIN C [REDACTED] SINCE HE WAS HIS CHILD. OFFICER MOORE CHECKED FURTHER INTO THE RELATIONSHIP BETWEEN C [REDACTED] AND STOUT AND FOUND THAT THE STOUTS ARE ONLY GUARDIANS TO C [REDACTED] THERE HAS BEEN NO ADOPTION AS ADVISED BY BOTH WILLIAM AND DEBRA STOUT. BOTH ADVISED OFFICERS C [REDACTED] HAD BEEN ADOPTED BECAUSE NO ONE WANTED HIM AND THAT C [REDACTED] WAS "DEAD". WHEN I ASKED STOUT TO ADVISE WHAT HE MEANT BY DEAD, HE STATED, "NOT PHYSICALLY, BUT SPIRITUALLY." THIS WAS SAID IN FRONT OF C [REDACTED] DEBRA ALSO STATED THEY WERE DONE WITH HIM AND THAT WILLIAM HAD PUT HIS LIFE ON THE LINE FOR THIS CHILD AND THEIR MARRIAGE WAS SUFFERING DUE TO HIS BEHAVIOR. THESE STATEMENTS WERE ALSO MADE IN FRONT OF C [REDACTED] OFFICERS TOOK C [REDACTED] AWAY SO WE COULD SPEAK TO HIM IN PRIVATE. HE FELT BADLY FOR WHAT HAD OCCURRED BUT FELT BILL WAS WRONG FOR WHAT HE DID AND HE WAS JUST TELLING HIM THAT WHEN HE GOT MAD ABOUT IT. C [REDACTED] DID NOT WANT HIM ARRESTED AND WAS VERY UPSET WHEN THE DECISION WAS MADE TO TAKE HIM INTO PROTECTIVE CUSTODY AND TO ARREST STOUT FOR BATTERY. WHILE SPEAKING WITH C [REDACTED] STOUT CAME TO THE LOCATION OF WHERE OFFICERS WERE STANDING. HE ADVISED HE WANTED TO SPEAK WITH C [REDACTED] ALONE. I ADVISED HIM THIS WAS NOT POSSIBLE AND THAT HE NEEDED TO STEP OVER TO HIS ORIGINAL LOCATION. HE MOVED TWO STEPS AWAY SO THAT HE WAS STILL WITHIN LISTENING DISTANCE. CAPT COX THEN ADVISED HIM HE NEEDED TO MOVE AWAY UNTIL WE WERE COMPLETE WITH OUR INVESTIGATION. HE BECAME BELLIGERENT WITH CAPT COX AND WANTED TO KNOW IF HE WAS GOING TO BE ARRESTED. WE EXPLAINED TO HIM THAT WE DID NOT HAVE ALL THE INFORMATION YET AND THAT DECISION HAD NOT BEEN MADE. HE THEN ADVISED OFFICER MOORE THAT OFFICERS NEEDED TO HURRY AND THAT HE WAS GOING TO LEAVE. OFFICERS ALONG WITH CAPT COX THEN MADE THE DECISION WITH THE INFORMATION WE HAD GATHERED THAT STOUT WAS GOING TO BE ARRESTED FOR BATTERY. DUE TO THE CHILD'S AGE AND THE AGGRAVATION WE CHARGED STOUT WITH A D FELONY

11/01/2003

Page # 3

RICHMOND POLICE DEPARTMENT
Incident Narrative Report

C [REDACTED] WAS TAKEN INTO PROTECTIVE CUSTODY WITH CHILD PROTECTION BEING NOTIFIED ON THE DECISION. HE WAS THEN TRANSPORTED TO MARY E HILL UNTIL A DETENTION HEARING IS SET. STOUT WAS PLACED IN HANDCUFFS AND TRANSPORTED TO HEADQUARTERS FOR PHOTOGRAPH AND THEN LODGED IN WAYNE COUNTY JAIL FOR BATTERY D FELONY. CONTACT WAS MADE WITH WITNESSES AND ARRANGEMENTS MADE FOR ALL TO COME IN FOR TAPED STATEMENTS ON SUNDAY NOVEMBER 2ND.